

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRENDON F. RIBBLE, et al.,

Plaintiffs,

v.

Case No. 09-C-643

KIMBERLY-CLARK WORLDWIDE INC.,

Defendant.

ORDER TO SUPPLEMENT THE RECORD

Following the hearing on the pending motions for summary judgment, the Court requested supplementation of the record. The parties have separately written to the Court explaining their confusion or disagreement over what the Court was ordering. Having considered the letters of the parties and the transcript of the hearing, it appears that the Court may have narrowed its original request as a result of K-C's argument that some of the individuals in the department or organizational unit identified in the Severance Agreements held different job classifications, such as human resources or clerical, that were not considered eligible for the RIF at issue. K-C argued that its failure to list such "outliers" in Exhibit B to the various severance agreements does not violate the OWBPA. K-C may be correct, but in order to insure that the factual record is clear on the issue, K-C should advise the Court whether all employees that work within the organizational units listed in the "Reduction In Force" paragraphs of the various Severance Agreements are included on the corresponding Exhibit B. If not, then the record should be supplemented to reflect (1) what positions within the organizational unit listed in the "Reduction In Force" paragraph were

not included in Exhibit B; and (2) the number, if any, of persons holding the same job titles or classifications as those selected for termination that were not included in the Exhibit B along with their ages. The term “organizational unit,” for purposes of this request, means the department or other subdivision of K-C’s workforce that was listed in the “Reduction In Force” paragraph of the Severance Agreements (not a portion thereof) to indicate the class, unit or group of employees covered by the program.

The parties shall consult with one another with a goal of supplementing the record with the requested information in a form that will allow the Court to rely upon it in ruling on the pending cross motions for summary judgment. In other words, the parties should provide the information by stipulation within the following fourteen days or advise the Court if they are unable to reach agreement.

SO ORDERED this 25th day of October, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge